

Message Text

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63

ACTION ARA-20

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 DRC-01 /096 W

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R 112030Z JUL 74

FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC 4596

INFO AMEMBASSY GUATEMALA

AMEMBASSY TEGUCIGALPA

AMEMBASSY SAN SALVADOR

AMEMBASSY SAN JOSE

USCINCSO

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E. O. 11652: N/A

TAGS: PGOV, PINT, NU

SUBJECT: ELECTIONS 1974: THE NEW CONSTITUTION

USCINCSO FOR POLAD

1. NICARAGUA'S TENTH CONSTITUTION SINCE IT BECAME A REPUBLIC WAS PROMULGATED ON APRIL 24, 1974. REVISION OF THE CONSTITUTION GREW OUT OF THE SOMOZA-AGUERO POLITICAL PACT OF MARCH 1971. THE NEW CONSTITUTION BRINGS MANY OF THE BENEFITS OF THAT PACT TO THE OPPOSITION CONSERVATIVES, ESPECIALLY INCREASED GOVERNMENT POSITIONS, HOWEVER, THROUGH SPECIAL "TRANSITORY" CLAUSES IT DEFERS UNTIL AFTER THE 1974 ELECTIONS CERTAIN PROVISIONS FOR ELECTORAL REFORM WHICH WERE AN IMPORTANT PART OF THE PACT. ASIDE FROM MODIFICATIONS RELATED TO THE PACT, CHANGES IN THE CONSTITUTION WERE MINIMAL WITH APPROXIMATELY NINETY PERCENT OF THE ORIGINAL LANGUAGE RETAINED. THERE WAS, HOWEVER, SOME SUBTLE BUT SIGNIFICANT EXPANSION OF THE POWERS OF THE ALREADY DOMINANT EXECUTIVE BRANCH. THESE WERE MORE IN THE DIRECTION OF REMOVING RESTRICTIONS ON THE EXERCISE OF THOSE POWERS THAN IN CREATING NEW

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POWERS. PERHAPS ONE OF THE MOST SIGNIFICANT REFORMS WAS BRINGING

THE JUDICIAL BRANCH BACK UNDER MORE DIRECT POLITICAL CONTROL BY DOING AWAY WITH LIFE TENURE FOR SUPREME COURT JUSTICES. THE NEW CONSTITUTION BECAME LAW WITH LITTLE PUBLIC DEBATE AND FEW NICARAGUANS ARE AWARE OF ITS CONTENTS. GENERAL SOMOZA, HOWEVER, PLACES GREAT STORE ON OBSERVING LEGAL FORM AND IS EXPECTED TO HAVE NO DIFFICULTY IN ABIDING BY ITS PROVISIONS WHEN HE BECOMES PRESIDENT IN DECEMBER.

2. THE FOREGOING SUMMARIZES AN ANALYSIS CONTAINED IN EMBASSY AIRGRAM A-69 ATED JULY 11, 1974.
SHELTON

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NNN

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